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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

KATHY NELSON,
a.k.a Kathleen Cruz,
a.k.a. Kathy Debeloitte,
a.k.a. Kathleen Lesinski,

Defendant.

SUPERSEDING CRIMINAL
INFORMATION

2:07-CR-132-PMP-RJJ

VIOLATIONS:

18 U.S.C. § 1343 - Wire Fraud
18 U.S.C. § 2 - Aiding and Abetting

THE UNITED STATES CHARGES THAT:

COUNT ONE

Wire Fraud

1. From on or before October 24, 2003, and continuing until on or about April 4, 2005,

KATHY NELSON,
a.k.a Kathleen Cruz,
a.k.a. Kathy Debeloitte,
a.k.a. Kathleen Lesinski,

defendant herein, aided and abetted by others, including, but not limited to, co-defendants,
Gena Ramaekers, a.k.a. Grazyna Ramaekers, a.k.a. Grazyna Mikołajczyk, and Dezrine

1 Jones, did devise a scheme and artifice to defraud aliens of monies, funds, and United
2 States currency, and to defraud agencies of the United States.

3 2. Defendant **KATHY NELSON**, aiding and abetting her co-defendants and
4 others, used or caused to be used, the wires to carry out, or attempt to carry out, an
5 essential part of the scheme. As part of the scheme, defendant **KATHY NELSON** made
6 false and fraudulent representations and promises to aliens that she and other persons could
7 arrange for the aliens to lawfully enter and remain in the United States to perform seasonal,
8 nonagricultural work. As a result of these materially false representations and promises,
9 aliens paid to defendant **KATHY NELSON**, and others on her behalf, approximately \$500
10 per alien, in monies, funds, and United States currency, with the expectation that the co-
11 defendants would arrange with the appropriate United States agencies for the aliens to
12 lawfully enter the United States to work. Instead of arranging for lawful entry and
13 employment in the United States, defendant **KATHY NELSON**, acting with the intent to
14 defraud, did participate in a scheme to induce aliens to illegally enter and to unlawfully reside
15 in the United States by means of false and fraudulently obtained H2B visas. Once the aliens
16 had illegally entered, they were harbored by co-defendants Jones and Raemakers, who
17 provided them illegal employment in Florida, and elsewhere in the United States, but not in
18 Crested Butte, Colorado. Co-defendants Jones and Raemakers housed the aliens in
19 squalid, overcrowded conditions and charged a \$2.00 per hour "tax" on their wages for the
20 privilege of being employed. Approximately one hundred ninety five (195) aliens were
21 induced to illegally enter, or to attempt to illegally enter, by means of false and fraudulently
22 obtained H2B visas, and to illegally work in the United States as part of this scheme.

23 3. As part of the scheme, defendant **KATHY NELSON** knowingly defrauded
24 aliens and agencies of the United States by making false and fraudulent material statements.
25 During the course of the scheme, defendant **KATHY NELSON** falsely stated that the aliens
26

1 who entered on H2B visas obtained by the defendant would be working for Gulf Coast
2 Resort Management in Crested Butte, Colorado, when the aliens were in fact scheduled to
3 be working in Florida, and elsewhere in the United States, but not in Crested Butte,
4 Colorado. Defendant **KATHY NELSON**, did fraudulently induce aliens, who believed they
5 were lawfully entering the United States to work, to part with money, that is approximately
6 \$500 per alien, to unlawfully enter and illegally remain in the United States, for the purposes
7 of defendant **KATHY NELSON's** and others' commercial advantage and private financial
8 gain.

9 4. As part of the criminal enterprise, on or about June 30, 2004, in Nevada, in a
10 matter within the jurisdiction of United States Department of Labor (DOL), an agency of the
11 United States, defendant **KATHY NELSON** did make under oath and subscribe as true,
12 under penalty of perjury under Title 28, United States Code, Section 1746, material
13 statements and representation in a form used by DOL, to wit: an ETA 750, known as an
14 "Application for Alien Employment Certification," in which defendant **KATHY NELSON**
15 stated that fifty (50) unnamed Colombian aliens would be working for Gulf Coast Resort
16 Management in Crested Butte, Colorado, from November 1, 2004, to April 30, 2005. Also,
17 as part of the criminal enterprise, on or about October 27, 2004, in Nevada, in a matter within
18 the jurisdiction of the United States Citizenship and Immigration Service (CIS), an agency
19 of the United States, defendant **KATHY NELSON** did knowingly make under oath and did
20 subscribe as true, under penalty of perjury, a material fact in a form used by CIS, as required
21 by immigration law or the regulations prescribed thereunder, to wit: INS Form I-129, known
22 as a "Petition for Nonimmigrant Worker," petition no. LIN 05-023-52320, in which defendant
23 **KATHY NELSON** stated that fifty (50) unnamed Colombia aliens would be working for Gulf
24 Coast Resort Management in Crested Butte, Colorado.

25 5. On September 9, 2004, Defendant **KATHY NELSON**, did transmit in interstate
26 commerce from Henderson, Nevada, to Lincoln, Nebraska, by means of wire

1 communication, an INS Form I-129, known as a "petition for Nonimmigrant Worker" executed
2 on September 9, 2004, for eleven (11) aliens. At a later date, Defendant **KATHY NELSON**
3 was informed by co-defendant Dezrine Jones that the aliens would not be working in Crested
4 Butte, Colorado, as the Petition had stated, but, rather the aliens would be working in Florida.
5 Defendant **KATHY NELSON** did not correct the Petition or notify the DOL. Rather, she
6 joined the enterprise to illegally assist aliens to enter the United States.

7 6. In furtherance of the scheme and artifice, and as part of the criminal enterprise,
8 on or about November 16, 2004, in Henderson, Nevada, Defendant **KATHY NELSON** did
9 utilize the internet to send an interstate email to a coconspirator, who functioned as an alien
10 recruiter, regarding nine (9) Colombian aliens, who had been fraudulently induced to attempt
11 to illegally enter the United States by means of false and fraudulently obtained H2B visas.
12 In this e-mail, Defendant **KATHY NELSON** advised that "THEY WILL BE WORKING FOR
13 GULF COAST IN FLORIDA BUT THEY NEED TO TELL THE EMBASSY AND INS AT THE
14 AIRPORT THEY ARE GOING TO COLORADO VERY IMPORTANT," or words to that effect.
15 By providing this direction, Defendant **KATHY NELSON** used the wires to facilitate this
16 scheme to defraud the DOL, an agency of the United States.

17 7. On or about November 16, 2004, in the State and Federal District of Nevada,
18 and elsewhere,

19 **KATHY NELSON,**
20 a.k.a. Kathleen Cruz,
21 a.k.a. Kathy Debeloitte,
a.k.a. Kathleen Lesinski,

22 defendant herein, for the purpose of executing the scheme and artifice, did transmit and did
23 cause to be transmitted by means of wire communications in interstate commerce, certain
24 writings, signs, signals, pictures, and sounds, that is, an interstate email sent to a
25 coconspirator, who functioned as an alien recruiter, regarding nine (9) Colombian aliens, who
26 had been fraudulently induced to attempt to enter the United States by means of false and

1 fraudulently obtained H2B visas, which directed him (the co-conspirator) to cause certain
2 aliens to make false and fraudulent material statements and misrepresentations about where
3 they would be working to employees at the United States Embassy in Colombia, and to
4 agents of CIS at the United States' "port of entry" airport, in order to fraudulently gain entry
5 to the United States, in violation of Title 18, United States Code, Sections 1343 and 2.

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COUNT TWO

Wire Fraud

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3 1. From on or before September 18, 2007, and continuing until on or about May
4 14, 2008,

5 **KATHY NELSON,**
6 a.k.a Kathleen Cruz,
7 a.k.a. Kathy Debeloitte,
8 a.k.a. Kathleen Lesinski,

9 defendant herein, aided and abetted by other co-conspirators, both known and unknown to
10 the United States, did devise a scheme and artifice to defraud aliens of monies, funds, and
11 United States currency, and to defraud agencies of the United States.

12 2. Defendant **KATHY NELSON**, aiding and abetting her co-conspirators, used or
13 caused to be used, the wires to carry out, or attempt to carry out, an essential part of the
14 scheme. As part of the scheme, defendant **KATHY NELSON** made false and fraudulent
15 representations and promises to aliens that she and other persons could arrange for the
16 aliens to lawfully enter and remain in the United States to perform seasonal, nonagricultural
17 work. As a result of these materially false representations and promises, aliens paid to
18 defendant **KATHY NELSON**, and others on her behalf, approximately \$500 per alien, in
19 monies, funds, and United States currency, with the expectation that the co-conspirators
20 would arrange with the appropriate United States agencies for the aliens to lawfully enter the
21 United States to work. Instead of arranging for lawful entry and employment in the United
22 States, defendant **KATHY NELSON**, acting with the intent to defraud, did participate in a
23 scheme to induce aliens to illegally enter and to unlawfully reside in the United States by
24 means of false and fraudulently obtained H2B visas. Once the aliens had illegally entered,
25 they were harbored by other co-conspirators, who provided them illegal employment in
26 Detroit, Michigan, and elsewhere in the United States, but not at Park Shore Resort in
Traverse City, Michigan. These other co-conspirators housed the aliens in squalid,

1 overcrowded conditions for the privilege of being employed. Approximately fifty (50) aliens
2 were induced to illegally enter, or to attempt to illegally enter, by means of false and
3 fraudulently obtained H2B visas, and to illegally work in the United States as part of this
4 scheme.

5 3. As part of the scheme, defendant **KATHY NELSON** knowingly defrauded
6 aliens and agencies of the United States by making false and fraudulent material statements.
7 During the course of the scheme, defendant **KATHY NELSON** falsely stated that the aliens
8 who entered on H2B visas obtained by the defendant would be working at Park Shore Resort
9 in Traverse City, Michigan, when the aliens were in fact scheduled to be working elsewhere
10 and not at Park Shore Resorts. Defendant **KATHY NELSON**, did fraudulently induce aliens,
11 who believed they were lawfully entering the United States to work, to part with money, that
12 is approximately \$500 per alien, to unlawfully enter and illegally remain in the United States,
13 for the purposes of defendant **KATHY NELSON**'s and others' commercial advantage and
14 private financial gain.

15 4. As part of the criminal enterprise, on or about November 8, 2007, in Nevada,
16 in a matter within the jurisdiction of United States Department of Labor (DOL), an agency of
17 the United States, defendant **KATHY NELSON** did make under oath and subscribe as true,
18 under penalty of perjury under Title 28, United States Code, Section 1746, material
19 statements and representation in a form used by DOL, to wit: an ETA 750, known as an
20 "Application for Alien Employment Certification," in which defendant **KATHY NELSON**
21 stated that aliens would be working at Park Shore Resort in Traverse City, Michigan, from
22 March 1, 2008, to November 1, 2008. Also, as part of the criminal enterprise, on or about
23 November 20, 2007, in Nevada, in a matter within the jurisdiction of the United States
24 Citizenship and Immigration Service (CIS), an agency of the United States, defendant
25 **KATHY NELSON** did knowingly make under oath and did subscribe as true, under penalty
26 of perjury, a material fact in a form used by CIS, as required by immigration law or the

1 regulations prescribed thereunder, to wit: INS Form I-129, known as a "Petition for
2 Nonimmigrant Worker," petition no. WAC 08-0110-52447, in which defendant **KATHY**
3 **NELSON** stated that twenty five (25) named Jamaican aliens would be working at Park
4 Shore Resort in Traverse City, Michigan.

5 5. On a date unknown but not later than February 19, 2008, Defendant **KATHY**
6 **NELSON**, did transmit in interstate commerce from Henderson, Nevada, to CIS in a state
7 other than Nevada, by means of the United States mail, an INS Form I-129, known as a
8 "petition for Nonimmigrant Worker" executed on or about November 20, 2007, for twenty five
9 (25) aliens. At a date after March 1, 2008, but not later than March 31, 2008, Defendant
10 **KATHY NELSON** was informed by other co-conspirators that the aliens would not be
11 working at Park Shore Resort in Traverse City, Michigan, as the Petition had stated, but,
12 rather the aliens would be working in Detroit, Michigan and elsewhere in the United States.
13 Defendant **KATHY NELSON** did not correct the Petition or notify the DOL. Rather, she
14 joined the enterprise to illegally assist aliens to enter the United States.

15 6. In furtherance of the scheme and artifice, and as part of the criminal enterprise,
16 on or about March 31, 2008, in Nevada, in a matter within the jurisdiction of DOL, an agency
17 of the United States, knowingly, willfully, and deliberately with knowledge that she had filed
18 a INS form I-129, known as a "petition for Nonimmigrant Worker" petition, where she stated
19 under penalty of perjury that Jamaican aliens would be working at Park Shore Resort in
20 Traverse City, Michigan, from April 1, 2008, to November 1, 2008, Defendant **KATHY**
21 **NELSON** did utilize the internet to send an interstate email to a co-conspirator, who
22 functioned as an alien recruiter, regarding the twenty five (25) Jamaican aliens to falsely
23 inform her (the co-conspirator) that the aliens would be working for Park Shore Resort in
24 Traverse City, Michigan, when, contrary to this fact, Defendant **KATHY NELSON** had
25 learned in early March 2008, from another coconspirator, who functioned in a leadership
26 role, that the aliens would not be working in Traverse City, Michigan, but rather would be

1 working in Detroit and other cities in Michigan. By knowingly, willfully and deliberately with
2 knowledge that the statement was material and untrue, by utilizing an email communication
3 to a co-conspirator, Defendant **KATHY NELSON** did use wire communication to facilitate this
4 scheme to defraud the DOL, an agency of the United States.

5 7. On or about March 31, 2008, in the State and Federal District of Nevada,
6 and elsewhere,

7 **KATHY NELSON,**
8 a.k.a Kathleen Cruz,
a.k.a. Kathy Debeloitte,
a.k.a. Kathleen Lesinski,

9 defendant herein, for the purpose of executing the scheme and artifice, did transmit and did
10 cause to be transmitted by means of wire communications in interstate commerce, certain
11 writings, signs, signals, pictures, and sounds, that is, an interstate email sent to a co-
12 conspirator, who functioned as an alien recruiter, regarding twenty five (25) Jamaican aliens,
13 who had been fraudulently induced to enter and to attempt to enter the United States by
14 means of false and fraudulently obtained H2B visas, which directed her (the coconspirator)
15 to cause certain aliens to make false and fraudulent material statements and
16 misrepresentations about where they would be working to employees at the United States
17 Embassy in Jamaica, and to agents of CIS at the United States' "port of entry" airport, in
18 order to fraudulently gain entry to the United States, in violation of Title 18, United States
19 Code, Sections 1343 and 2.

20 DATED: this 7th day of January, 2009.

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22 GREGORY A. BROWER
23 United States Attorney

24 ERIC JOHNSON
25 Chief, Organized Crime Strike Force

26 
KIMBERLY M. FRAYN,
Assistant United States Attorney